

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

STATE OF WASHINGTON, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
THE NAVY, *et al.*,

Defendants.

CASE NO. 2:19-cv-01059-RAJ-JRC

ORDER GRANTING MOTION  
FOR *IN CAMERA* REVIEW OF  
CLASSIFIED DOCUMENT

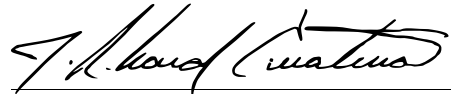
This matter has been referred to the undersigned by the District Court as authorized by 28 U.S.C. §§ 636(b)(1)(A), (B) (Dkt. 19) and is before the Court on defendants' "motion for leave to submit documents *ex parte, in camera.*" Dkt. 53, at 1. Plaintiffs oppose the motion. Dkt. 54.

Having reviewed the parties' submissions related to the pending motion for a preliminary injunction (Dkt. 29), the Court finds that review of the classified document that is the subject of defendants' motion is appropriate before issuing a recommendation on the motion for a preliminary injunction. The classified document is relevant and material to this matter as it

1 pertains to national security interests that must be weighed in determining whether to grant the  
2 preliminary injunction motion. *See* 28 C.F.R. § 17.17(c)(1).

3 The Court ORDERS that the classified declaration of Vice Admiral DeWolfe H. Miller  
4 III shall be filed under seal and submitted *in camera* and *ex parte* and shall be handled in  
5 accordance with the procedures set forth in 28 C.F.R. § 17 (Classified National Security  
6 Information and Access to Classified Information). Defendants and CISO Scooter Slade (*see*  
7 Dkt. 56) shall coordinate with the Tacoma Clerk's Office to make the necessary arrangements  
8 (*see* 28 C.F.R. § 17.46(c)) to expediently ensure that Magistrate Judge J. Richard Creatura and  
9 appropriate staff may review the classified document and that after the report and  
10 recommendation is issued, the classified document can be timely transferred to the Seattle  
11 Clerk's Office for review by District Judge Richard A. Jones and appropriate staff.

12 Dated this 15th day of May, 2020.

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16 J. Richard Creatura  
17 United States Magistrate Judge  
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